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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

The Spearmint Rhino Companies Worldwide,  
Inc. and K-Kel, Inc.,

Plaintiffs,

vs.

Chang's Dynasty LLC and Alan Chang,

Defendants.

Civil Action No. 2:23-cv-02040-ART-BNW

Honorable Anne R. Traum  
Magistrate Judge Brenda Weksler

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO EXTEND  
DISCOVERY**

**(FOURTH REQUEST)**

1 Plaintiffs The Spearmint Rhino Companies Worldwide, Inc. and K-Kel, Inc.  
 2 (“Plaintiffs”) and Defendants Chang’s Dynasty LLC and Alan Chang (“Defendants”)  
 3 (collectively, “the Parties”) hereby stipulate as follows pursuant to FRCP 26, LR IA 6-1 and LR  
 4 26-3:

### 5 **I. COMPLETED DISCOVERY**

6 The Parties have engaged in considerable discovery, with Plaintiffs and Defendants  
 7 having served multiple sets of interrogatories, requests for production, and requests for  
 8 admission. The exchanged written discovery has been completed and the parties have agreed  
 9 not to serve any further written discovery. The parties have also exchanged documents and  
 10 completed seven depositions to date.

### 11 **II. REMAINING DISCOVERY**

12 A number of depositions of knowledgeable parties’ witnesses, prior employees and  
 13 organization designees (30(b)(6) witnesses) remain to be taken. These depositions have not  
 14 been completed, in part due to witness health concerns for one key witness and the availability  
 15 of other witnesses and counsel. For the remaining depositions, to save time and expense,  
 16 counsel have agreed to conduct all depositions in either Las Vegas or Newport Beach (or  
 17 otherwise via remote means) and to schedule depositions together to reduce the number of trips  
 18 needed. However, this approach has proven to require more advance planning and coordination,  
 19 especially as counsel have learned that certain witnesses were previously committed,  
 20 unavailable, or traveling. In addition, some attorneys were sick for some time during the prior  
 21 extension period, which further complicated these depositions and caused delays.

### 22 **III. PROPOSED EXTENSION**

23 The parties believe that they can complete the remaining discovery with the adjustments  
 24 to the existing schedule set forth below.

	Current Deadline	New Deadline
Close of Fact Discovery	January 31, 2025	March 28, 2025

F.R.C.P. 26(a)(2) Disclosures	February 28, 2025	April 22, 2025
Disclosure of Rebuttal Experts	March 28, 2025	May 16, 2025
Expert Discovery Closes	April 25, 2025	May 30, 2025
Dispositive Motions	May 23, 2025	June 20, 2025
Pretrial Order	June 20, 2025	July 18, 2025

#### IV. THERE IS GOOD CAUSE TO EXTEND THE DISCOVERY DEADLINE

While the parties recognize that the last extension was intended to be a final extension, the parties have engaged diligently to work together on the remaining discovery. However, the circumstances outlined above have made it necessary to seek additional accommodation from the Court.

The good cause inquiry is focused on the movant's reasons for seeking to modify the scheduling order and primarily considers the movant's diligence. *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013). The key determination is whether the subject deadline “cannot reasonably be met despite the diligence of the party seeking the extension.” *Desio v. State Farm Mut. Auto. Ins. Co.*, 339 F.R.D. 632, 638 (D. Nev. 2021). The Court considers whether relief from the scheduling order is sought based on the development of matters that could not have been reasonably anticipated at the time the schedule was established. *Id.*; *Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 608 (E.D. Cal. 1999). Courts may also consider other pertinent circumstances, including whether the movant was diligent in seeking modification of the scheduling order once it became apparent that the movant required relief from the deadline at issue. *Id.*; *Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012). “The diligence obligation is ongoing” such that parties must “diligently attempt to adhere to [the deadlines in the scheduling order] throughout the subsequent course of the litigation.” *Id. quoting Morgal v. Maricopa Cnty. Bd. of Supervisors*, 284 F.R.D. 452, 460 (D. Ariz. 2012). The showing of diligence is measured by the conduct displayed throughout the

1 entire period of time already allowed. *Williams v. James River Grp. Inc.*, No.  
2 222CV00186RFBNJK, 2022 WL 4181415, at \*3 (D. Nev. Sept. 13, 2022). The party seeking  
3 modification of the scheduling order bears the burden of establishing diligence. *Singer v. Las*  
4 *Vegas Athletic Clubs*, 376 F. Supp. 3d 1062, 1077 (D. Nev. 2019).

5 Here, both parties have been working diligently to undertake discovery in good faith  
6 and avoid unnecessary motion practice. As recently as January 13-17, 2025, the parties were  
7 in Las Vegas taking depositions and conducting site inspections. During that time counsel for  
8 Plaintiffs and Defendants discussed the remaining depositions and the feasibility of completing  
9 them before the upcoming deadline. The parties met and conferred last week, consulted with  
10 respective local counsel, and now immediately bring this motion.

11 Courts have found good cause where there has been a development of unforeseen  
12 matters and scheduling difficulties. *United States v. Tucker*, No. 221CV02049JCMNJK, 2022  
13 WL 5264371, at \*1 (D. Nev. Aug. 31, 2022) (finding good cause for an extension where  
14 scheduling difficulties have led to the inability to take the deposition during the current  
15 discovery period); *Castronovo-Flihan v. State Farm Mut. Auto. Ins. Co.*, No.  
16 220CV01197JCMDJA, 2021 WL 5413886, at \*2 (D. Nev. Sept. 17, 2021) (finding good cause  
17 to extend the discovery deadlines where defendant was diligent in requesting Plaintiff's  
18 cooperation to attend for in-person examinations but did not receive responses); *Green v. City*  
19 *of Phoenix*, 330 F.R.D. 239 (D. Ariz. 2019) (finding good cause existed to modify the  
20 discovery deadline where deponent was scheduled for surgery and party was unable to  
21 anticipate officer's unavailability for trial prior to the close of discovery). The parties agreed to  
22 an ambitious discovery schedule and have worked diligently and cooperatively to complete  
23 discovery by the current discovery deadline. However, unexpected events have prevented the  
24 parties from doing so and thus necessitated this request for a modest amount of additional time.

1 For these reasons, the parties have conferred and respectfully request the foregoing  
2 extension to the case schedule.

3  
4 Dated: January 29, 2025

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19  
20 **IT IS SO ORDERED**

21  
22  
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: \_\_\_\_\_